

Impact Assessment

Version 2017

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Assessment of:	Market Position Statement
Service:	Adult Social Care

Head of Service:	Ian Hobbs
Date of sign off by Head Of Service/version:	25 September 2019
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Section 1 - Background

Description:	<p>This Impact Assessment relates to the 2019 version of the Market Position Statement (MPS) for Adult Social care. The Care Act 2014 places a duty on local authorities to promote the efficient and effective operation of the market for adult care and support for the whole population. The MPS helps the County Council fulfil this requirement by publishing our analysis of need and supply to support the business planning of independent social care providers.</p> <p>The primary audience of the MPS is adult social care providers and so with this in mind it summarises the supply and demand for existing services, identifies gaps in the current provision and identifies business opportunities within the care market. This information will help providers with their business planning and investment decisions. The MPS will also help in re-shaping the market so that it is fit for purpose both now and into the future.</p> <p>This version of the MPS has the following sections:</p> <ul style="list-style-type: none">• Care homes with and without nursing care• Carers Support
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	<ul style="list-style-type: none"> • Extra Care • Individual Purchasing of care packages • Regulated personal care through Living Well @ Home contract • Replacement Care • Supported Living • Unregulated care through the Supporting Independence contract • Technology Enabled Care and Support (TECS) <p>The MPS provides a statement of strategic intent for how the Adult Social Care market will be shaped in the future. When specific proposals, in line with this strategic intent, need a decision there will be specific Equalities Impact Assessments prepared.</p>
Reason for change/review:	<p>The MPS is updated and published to help the County Council shape the Adult Social Care market. This will include sharing with providers the latest position with existing service delivery and also how the market needs to be adapted to meet current and future needs.</p>

Section 2 - Impacts, options and recommendations

See sections 3, 4 and 5 for background analysis

Options Appraisal and Recommendations:	<p>The previous version of the MPS was produced on paper as well as a pdf being available electronically. To enable the Market Position Statement to be easily updated it has been resolved to set the MPS up online only and for it to be in discreet sections. This was felt to be the best option for ensuring the information is kept up to date and to also make it easier for providers who may just want to look at information on just one or two services.</p>
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Social/equality impacts (summary):	The MPS provides an assessment of needs and supply for the various adult social care services. This enables gaps in provision to be identified and providers to see where opportunities exist to meet unmet need.
Environmental impacts (summary):	The MPS should minimise the impact on the environment by giving providers a clear indication of how services should be developed in the future as well as identifying where new business opportunities lie. This should reduce the development of services in the wrong location and directed towards the wrong client group, e.g. reducing the opportunity for building unnecessarily.
Economic impacts (summary):	The MPS will enable providers to help providers be more informed about the future direction of adult social care and so hopefully maximise the returns on future investments. The MPS also describes how the workforce needs to be developed going forwards and so it should maximise employment and career opportunities.
Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):	The MPS has been developed in conjunction with the Devon Clinical Commissioning Group (CCG) to give a combined view to the market. This is because the CCG also commissions adult social care providers for services such as nursing care and personal care.
How will impacts and actions be monitored?	We will continue to monitor key measures of performance and sufficiency in the adult social care market through our contract management and ongoing business relationships. For example, we will continue to monitor the unsourced packages of personal care to see if this situation improves.

Background Analysis

This section describes how relevant questions and issues have been explored during the options appraisal.

Section 3 - Profile and views of stakeholders and people directly affected

People affected:	As a statement of strategic intent and needs/supply analysis, the MPS impacts at a high level on all providers of adult social care and all service users in Devon.
Diversity profile and needs assessment of affected people:	Each Commissioning Statement includes an assessment of need. In some statements further work is needed to provide a full picture of need. A diversity profile of adult social care service users is shown in appendix 1 below.
Other stakeholders (agencies etc.):	Devon NHS Clinical Commissioning Group, independent providers, District Councils, Acute Trusts, Care Quality Commission, GPs and Devon Partnership Trust.
Consultation process and results:	The MPS has been developed from our ongoing dialogue with providers through our Provider Engagement Network. These providers have told us what information is most useful for them in determining the future directions of their businesses.
Research and information used:	The MPS has been reviewed by the Institute of Public Care at Oxford Brookes University.

Section 4a - Social Impacts

Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and

- Foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief.

This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

- Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
- Proportionate (negative impacts are proportionate to the aims of the policy decision)
- Fair
- Necessary
- Reasonable, and
- Those affected have been adequately consulted.

Characteristics	In what way can you eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage? Are there any lawful, reasonable and proportionate, unavoidable negative consequences?	In what way can you advance equality (meet needs, encourage participation, make adjustments for disabled people, ‘close gaps’). In what way can you foster good relations between groups (tackle prejudice and promote understanding), if relevant?
All residents (include generic equality provisions):	The MPS is aimed at independent providers of adult social care and the services it covers do not apply to all residents, i.e. only to those with eligible adult social care needs.	See left hand column
Age:	Most of the services covered by the MPS are for people over working age such as domiciliary care and residential care.	See left hand column
Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:	By definition, people who receive adult social care, will come under the Equality Acts’ wider definition of disability, i.e. mental health, learning disabilities, physical and sensory disabilities, older persons mental health and their carers	See left hand column
Culture and ethnicity: nationality/national origin, skin colour, religion and belief:	The MPS is a high level statement, primarily concerned with market sufficiency, and does not specifically address issues of race/ethnicity. It though will help providers be responsive meet the needs of clients and promote independence.	See left hand column

Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed).	The MPS will enable providers to focus on the current and future needs of clients.	See left hand column
Sexual orientation and marriage/civil partnership:	The MPS provides a high level approach to what providers need to do to meet all the needs of clients	See left hand column
Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation.	The MPS recognises the significance of unpaid carers to our health and social care system. Specific attention is paid to this through a dedicated Commissioning Statement. In addition the MPS will help providers understand gaps in current supply and so help meet the needs of clients.	See left hand column
Human rights considerations:	By definition, ensuring a sufficient market entails meeting social care needs which are themselves human rights.	

Supporting independence, wellbeing and resilience?

Give consideration to the groups listed above and how they may have different needs.

In what way can you support and create opportunities for people and communities (of	The MPS places a particular emphasis on promoting the independence of clients as well as establishing a range of appropriate choices.
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place and interest) to be independent, empowered and resourceful?	
In what way can you help people to be safe, protected from harm, and with good health and wellbeing?	The Executive Summary of the MPS gives an explanation of our commitment to good quality and safe services. The quality of service, delivered by providers, will be monitored by our Quality Assurance and Improvement Team.
In what way can you help people to be connected, and involved in community activities?	The MPS stresses the importance of community based solutions.

Section 4b - Environmental impacts – NOT APPLICABLE

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties.

The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please select from the table below and proceed to the 4c, otherwise complete the environmental analysis table):

	Devon County Council's Environmental Review Process
	Planning Permission
	Environmental Impact Assessment
	Strategic Environmental Assessment

	Describe any actual or potential negative consequences.	Describe any actual or potential neutral or positive outcomes.
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	(Consider how to mitigate against these).	(Consider how to improve as far as possible).
Reduce, reuse, recycle and compost:	<u>NOT APPLICABLE</u>	
Conserve and enhance wildlife:	<u>NOT APPLICABLE</u>	
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:	<u>NOT APPLICABLE</u>	
Conserve and enhance Devon's cultural and historic heritage:	<u>NOT APPLICABLE</u>	
Minimise greenhouse gas emissions:	<u>NOT APPLICABLE</u>	
Minimise pollution (including air, land, water, light and noise):	<u>NOT APPLICABLE</u>	
Contribute to reducing water consumption:	<u>NOT APPLICABLE</u>	
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):	<u>NOT APPLICABLE</u>	

Other (please state below):		
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Section 4c - Economic impacts

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Impact on knowledge and skills:	The MPS gives an indication of the key workforce issues that the adult social care sector faces. It also helps focuses on how the situation can be improved, such as the DCC adoption of the CIAG programme - https://www.devon.gov.uk/economy/business-support/creative-innovation-and-growth-programme-ciag/	See left hand column
Impact on employment levels:	For a number of adult social care sectors there are difficulties in recruiting staff. The MPS includes action that is taking place to improve the situation such as the Proud to care campaign.	See left hand column
Impact on local business:	The MPS helps local businesses identify new business opportunities as well as helping them shape any existing adult social care businesses.	See left hand column

Section 4d -Combined Impacts

<p>Linkages or conflicts between social, environmental and economic impacts:</p>	<p><u>NOT APPLICABLE</u></p>
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Section 5 - 'Social Value' of planned commissioned/procured services:

<p>How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?</p>	<p>The MPS is designed to encourage innovation and to promote local and community based solutions which will enhance the social value of the market.</p>
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Diversity Profile of Adult Social Care service users

Service area	Number of service users <i>(number of people receiving Long Term social care support from DCC)</i>	% female	% male	% Disabled	% Black and Minority Ethnic (i.e. not 'White British').	Age profile
Adult Social Care (Snapshot on 31st March 2019, as reported in annual returns)	9,783	58%	42%	In order to receive social care support, people must come under the Equality Act definition of disability	3%	18-64 (41%) 65+ (59%)
Adult client breakdown by Primary Support Reason (% of totals above)						
Learning Disability Support	23%	10%	13%	In order to receive social care support, people must come under the Equality Act definition of disability	1%	18-64 (20%) 65+ (3%)
Mental Health Support	12%	6%	6%		0%	18-64 (7%) 65+ (5%)
Physical Support	52%	34%	17%		2%	18-64 (10%) 65+ (42%)
Sensory Support	2%	1%	1%		0%	18-64 (1%) 65+ (1%)
Social Support	4%	2%	2%		0%	18-64 (2%) 65+ (2%)
Support with Memory & Cognition	8%	5%	3%		0%	18-64 (1%) 65+ (7%)

